

REMARKS/ARGUMENTS**1.) Claim Listing**

The Applicant has supplied a courtesy copy of the pending claims as stated above. Claims 1 and 20 through 28 are pending.

2.) Removal of Final Rejection Status

Because the Applicant has not had an opportunity to address the new grounds for the rejection, the Applicant respectfully requests that the Examiner remove "Final Rejection" status from the application.

In the Office Action dated April 22, 2004, the Examiner introduced a new ground of rejection. In the Applicant's previous response, the Applicant simply responded to a restriction requirement. Therefore, the Applicant respectfully requests an opportunity to respond to the new ground of rejection under a "non-final" status.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 21-28 under 35 U.S.C. § 103(a) as being unpatentable over Lindquist, et al. (US 5,852,660) and in view of Khadri, et al. (US 2002/0196779). The Examiner's reconsideration of the pending claims is respectfully requested.

Statement of Common Ownership

This present application was filed after November 29, 1999. Accordingly, Applicant urges that the subject matter of Lindquist is disqualified as prior art under 35 U.S.C. § 103(c) because the claimed invention and the referenced patent (Lindquist) were commonly owned by the Applicant at the time the invention of the present application was made.

Accordingly, Lindquist cannot be used as a reference. Therefore, a 35 U.S.C. § 103 rejection relying on Lindquist is not proper. The Examiner's reconsideration of claims 1 and 21-28, therefore, is respectfully requested.

Attorney Docket No. P15187

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and Issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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